

Appln. No.: 09/593,881
Amendment Dated October 21, 2004
Reply to Final Office Action of July 21, 2004

USE-661US

Remarks/Arguments:

In response to the Office Action mailed on July 21, 2004 please amend this patent application as set forth above and re-examine the patent application in view of these amendments and the following remarks.

Claims Status

Claims 2-6, 8, 12-15, 29, and 31-47 stand rejected. Claims 29, 30, and 47 stand objected to and are listed as containing allowable subject matter. Applicant has amended claims 29, 30, 46, and 47 to include the limitations of the base claims from which they depend and any intervening claims. No new matter has been added.

Allowable Subject Matter

Claims 29, 30, and 47 are objected to as being dependent upon a rejected base claim, but have been identified as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claims 29, 30, and 47 such that they are rewritten in independent form including all of the limitations of their base claim and any intervening claims. Accordingly, Applicant contends that claims 29, 30, and 47 are allowable and requests that the objection to these claims be withdrawn.

Additionally, claim 46, while listed as rejected in the Office Action Summary, was not addressed in the body of the Office Action. Claim 46 recites:

wherein said step of establishing communication with said in-vehicle device comprises the step of physically transporting data from said in-vehicle device for delivery to said one of at least one global network based data processing resource.

This is the exact language that was noted in the Office Action as lacking in the prior art and served to support the allowance of claim 29. It appears then, that a typographical error may have occurred by omitting claim 46 from the claims noted as objected to and as allowable in the Reasons for Allowance and the Statement of Allowable Subject Matter." Applicant has rewritten claim 46 in independent form including all of the limitations of its base claim and any intervening claims. Accordingly, Applicant contends that claim 46 is allowable and request that the rejection of this claim be removed.

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With regard to claim 47, the Office Action incorrectly associates this claim with the limitation set forth above that serves to support the allowance of claims 29 and 46. Claim 47, however, recites "wherein said command and control data instruction includes an instruction to enable or disable operation of said vehicle," which was noted as lacking in the prior art and served to support the allowance of claim 30 in a previous Office Action (mailed 10/28/2003). Accordingly, Applicant contends that claim 47 remains allowable.

Rejections Under 35 U.S.C. § 103

Claims 2-6, 8, 12-15, and 31-46 are indicated as rejected under 35 U.S.C. § 103. In order to expedite prosecution, Applicant is pursuing the objected to claims and is canceling claims 2-6, 8, 12-15, and 31-45. This renders the rejection of these claims as moot.

In addition, as indicated above, Applicant contends that claim 46 includes allowable subject matter and should have been identified as "objected to," rather than "rejected," in the Office Action. Accordingly, Applicant requests that the rejection of claim 46 be withdrawn and the claim allowed for the reason set forth above.

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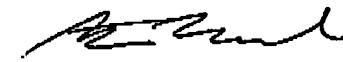
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Conclusion

Accordingly, Applicant requests consideration of the amended claims. Applicant contends that the claims now pending are in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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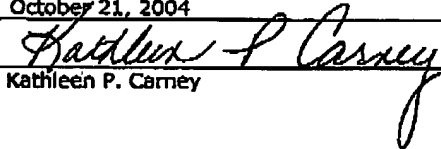
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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (703) 872-9306 on the date shown below.

October 21, 2004



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